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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

MAI, TRI M

| | |
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| ART UNIT | PAPER NUMBER |
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3727

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,197

Applicant(s)

JACKSON, KEITH A. *CS*

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 and 18-25 is/are allowed.
- 6) ☒ Claim(s) 1,5-9 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 103

1. Claims 1, 8 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Acker (2652185). Acker teaches a container having a bottom panel 53, first and second side panels 54, first and second end panels 55, first, second, third and fourth minor interior wall flaps 63 extending perpendicularly to the bottom such that first and second minor interior wall flaps are parallel to the first and second end panels, first hinged platform structure 56 hinged offset from a top of the minor interior wall flaps 63 as claimed.

Regarding claim 8, platforms 56 can be moved away from inside of the container via lines 57.

Regarding the method claims, the container in Acker is capable of using the intended manner as set forth in claim 17.

2. Claims 1, 8, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (2281165). Miller teaches a method of using a container comprising providing a container having end walls 13, sidewalls 9, and minor interior wall flaps 11. The minor interior walls flaps adjacent the end walls with hinged platform structures 15 attached to the end walls along a hinge (fold line between 15 and 13). Miller teaches the moving of the hinged platform structures into an open position as shown in Fig. 2, loading the container and the closing of the hinged platform structure as shown in Fig. 4.

Claim Rejections - 35 USC § 103

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Acker or Miller in view of Tuura (3869077). Either Miller or Thomas meets all claimed limitations except for the handles. Tuura teaches that it is known in the art to provide handles

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22. It would have been obvious to one of ordinary skill in the art to provide handles 40 in either Acker or Miller as taught by Tuura to transport the container easily.

Regarding claim 6, Tuura teaches that it is known in the art to provide rollover panels 13 and 15 with tabs 13a. It would have been obvious to one of ordinary skill in the art to provide rollover panels with tabs in either Acker or Miller as taught by Tuura to provide added reinforcement.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Acker or Miller in view of Bemiss (2130445). Either Miller or Thomas meets all claimed limitations except for the corrugated fiberboard having vertical corrugations on the side panels. Bemiss teaches that it is known in the art to provide vertical corrugations on the side panels 12. It would have been obvious to one of ordinary skill in the art to make the container from corrugated fiberboard having vertical corrugations on the side panels in either Acker or Miller in view of Bemiss to provide added support at the sidewall portion.

5. Claims 1, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Jensen (4349147) in view of either Acker (2652185) or Miller. Jensen teaches container having a bottom panel 10, first and second side panels 12, 14, first and second end panels 20, 22, first, second, third and fourth minor interior wall flaps 28, 32 extending perpendicularly to the bottom such that first and second minor interior wall flaps are parallel to the first and second end panels, first hinged platform structure 36 hinged attached to the end walls. Jensen meets all claimed limitations except for the hinge line being offset from the end panels. Either Acker or Miller teaches that it is known in the art to provide a platform with a hinge line offset from a top of the interior wall flaps. It would have been obvious to one of ordinary skill in the art to extend the

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platform structure in Jensen as taught by either Acker or Miller to accommodate the size of the contents.

Allowable Subject Matter

6. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 10-16, and 18-25 are allowed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai 
Primary Examiner
Art Unit 3727

July 17, 2003